

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON, MASSACHUSETTS

)
)
LUCIANO DE SOUZA)

)
)
Plaintiff,)
)
)

Civil Action No.
05-10476-MEL

MICHEAL CHERTOFF, SECRETARY)
United States Department)
of Homeland Security;)
EDUARDO AGUIRRE, Jr.,)
Director, U.S. Citizen-)
Ship and Immigration)
Services, Department of)
Homeland Security;)
DENIS RIORDAN, District)
Director, U.S. Citizenship)
and Immigration Services)
Department of Homeland)
Security)
_____)

FIRST AMENDED COMPLAINT FOR MANDAMUS

INTRODUCTION

The Plaintiff, by and through his undersigned attorney, brings this civil action for mandamus to compel the Defendants and those acting under them to rule on his Application for Adjustment of Status (I-485) duly filed by the Plaintiff on or about December 4, 2001.

I. PARTIES

1. The Plaintiff Luciano De Souza (the "Plaintiff") is a United States Legal Permanent Resident, who currently resides at 6 Greenview St., #5, Framingham, MA 01701
2. The Defendant Micheal Chertoff is the Secretary of the Department of Homeland Security ("DHS"); the Defendant Eduardo Aguirre, Jr. is the Director of the U.S. Citizenship and Immigration Services; the Defendant, Denis Riordan, is the Director of the Boston office of U.S. Citizenship and Immigration Services ("USCIS"), an agency within DHS (collectively, the "Defendants"). The Defendants are sued herein in their official capacity. The Defendants are charged by law with the obligation of adjudicating Petitions for Alien Relatives and Application by aliens to adjust status pursuant to § 245 of the Immigration and Nationality Act, 8 U.S.C. 1256 ("INA").

II. JURISDICTION AND VENUE

3. This is a civil action brought pursuant to 28 U.S.C. Sec. 1361 (the Mandamus Act, 28 U.S.C. 1331 (Federal Question Statute) and 5 U.S.C. Sec. 551 et. Seq (Administrative Procedures Act) to compel the Defendants and those working under them to perform a duty that they owe to the Plaintiff.

4. Costs and fees will be sought pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, 28 U.S.C. § 2412(d) et seq.
5. Venue is properly before this Court pursuant to 28 U.S.C. § 2412(d) et seq. because the Plaintiff resides in Framingham, Massachusetts.

III. REMEDY

6. The Plaintiff is seeking an order to compel the Defendants and those working under them to adjudicate the Plaintiff's pending application with USCIS and an award of reasonable attorney fees and costs associated with bringing said action.

IV. STATEMENT OF FACTS

7. On or about December 27, 2001, the Plaintiff filed an Application for Adjustment of Status (I-485) with the INS (now USCIS) Regional Office in Boston, Massachusetts (the "Application") A copy of the Application is attached hereto at Exhibit 1.
8. Through the filing of the Application, the Plaintiff was seeking to obtain lawful permanent status (a "Green Card") based on an approved I-140 Petition. A copy of the I-140 Approval Notice is attached hereto as Exhibit 2.
9. On or about August 6, 2003, the Defendants through their designated agent (Officer Toni Swanson) ("USCIS Officer") interviewed the Plaintiff on his Application.

10. At the conclusion of the interview the USCIS Officer said she needed to get a visa number, and, once obtained, she would issue an approval letter.
11. As of the date of this action, there has been no decision issued by the USCIS on the Application.
12. The Plaintiff, through Counsel, has made extensive efforts to secure a decision from USCIS. Specifically, he has sent numerous letters on a number of occasions, i.e., August 26, 2003, November 21, 2003, March 29, 2004, April 21, 2004, May 28, 2004 and June 30, 2004 and July 29, 2004 wherein they requested that USCIS adjudicate the Application. Copies of said letters are attached hereto as Exhibit 3.
13. The USCIS has not responded in any manner to the above-referenced letter requests. In addition, the Plaintiff has made numerous telephone calls to supervisory personal at USCIS regarding the matter but have received no response from USCIS.
14. The Plaintiff has no administrative remedies available.
15. As a result of the Defendants willful and unreasonable delay in adjudicating the Plaintiff's Application, the Plaintiff has been prejudiced. Until the Application is adjudicated, the Plaintiff is unable to travel abroad, must continually renew his Employment Authorization Card, is unable to accumulate time towards an eventual application for naturalization, is unable to plan for his future, and is in

constant fear that he will suffer deportation at some future date.

16. The Defendants have arbitrarily, willfully and unreasonably delayed the adjudication of the Plaintiff's Application.
17. The Defendants owe the Plaintiff the duty to act upon his Application and have unreasonably failed to perform that duty.
18. No other remedy exists for the Plaintiff to resolve the Defendants' delay.

CLAIM FOR RELIEF

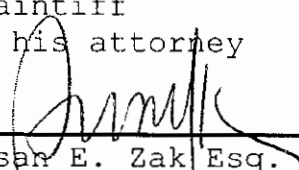
WHEREFORE, the Plaintiff prays that this Honorable Court:

- A. Order the Defendants to have their agents rule upon the Application filed by the Plaintiff and
- B. Award reasonable attorney's fees and costs of this action pursuant to the Equal Access to Justice Act; and
- C. Award any other relief this court deems just, proper and equitable.

Dated: June 17 2005

Respectfully Submitted,

Plaintiff
By his attorney




Susan E. Zak Esq.
BBO # 568044
LAW OFFICE OF JOHN K. DVORAK
P.C.
P.O. Box 8788
180 Canal Street
Boston, MA 02114

CERTIFICATE OF SERVICE

I, Susan E. Zak , Attorney for the Plaintiffs hereby certify that on June 10, 2006 I served a copy of the Plaintiffs' First Amended Complaint for Mandamus to:

Anton P. Giedt
U.S. Attorney General Office
United States Federal Court
1 Courthouse Way
Suite 9200
Boston, MA 02210


Susan E. Zak, Esq.
LAW OFFICE OF JOHN K. DVORAK, P.C.
P.O. Box 8788
180 Canal Street, 4th Floor
Boston, MA 02114

Date: 6/10/06

U.S. Department of Justice
Immigration and Naturalization Service

OMB No. 1115-0053
**Form I-485, Application to Register
Permanent Residence or Adjust Status**

START HERE - Please Type or Print

Part 1. Information about you.

Family Name De Souza	Given Name Luciano	Middle Initial A
Address - C/O		
Street Number and Name 6 Greenview Street		Apt. # 5
City Framingham		
State MA	Zip Code 01701	
Date of Birth (month/day/year) 09/24/1980	Country of Birth Brazil	
Social Security # none	A # (if any) n/a	
Date of Last Arrival (month/day/year) 04/16/2000	I-94 # 03994831602	
Current INS Status Out Of Status	Expires on (month/day/year) n/a	

Part 2. Application Type. (Check one)

I am applying for adjustment to permanent resident status because

- a. ☒ an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice— or a relative, special immigrant juvenile, or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)
- b. ☐ My spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.
- c. ☐ I entered as a K-1 fiancé(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e) (Attach a copy of the fiancé(e) petition approval notice and the marriage certificate.)
- d. ☐ I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. ☐ I am a native or citizen of Cuba admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.
- f. ☐ I am the husband, wife, or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.
- g. ☐ I have continuously resided in the U.S. since before January 1, 1972.
- h. ☐ Other basis of eligibility. Explain. (If additional space is needed, use a separate piece of paper.)

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later, and: (Check one)

- i. ☐ I am a native or citizen of Cuba and meet the description in (e), above.
- j. ☐ I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

FOR INS USE ONLY

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
<input type="checkbox"/> Applicant Interviewed	

Section of Law

- ☐ Sec. 209(b), INA
☐ Sec. 13, Act of 9/11/57
☐ Sec. 245, INA
☐ Sec. 249, INA
☐ Sec. 1 Act of 11/2/66
☐ Sec. 2 Act of 11/2/66
☐ Other _____

Country Chargeable

Eligibility Under Sec. 245

- ☐ Approved Visa Petition
☐ Dependent of Principal Alien
☐ Special Immigrant
☐ Other _____

Preference

Action Block

**To Be Completed by
Attorney or Representative, if any**

- ☐ Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

Continued on back.

Part 3. Processing Information

A. City/Town/Village of Birth Tarumirim		Current occupation Cook	
Your mother's first name Margarida		Your father's first name Miguel	
Give your name exactly how it appears on your Arrival/Departure Record (Form I-94) Luciano Souza			
Place of last entry into the U.S. (City/State) Orlando, Florida		In what status did you last enter? <i>(Visitor, Student, exchange alien, crewman, temporary worker, without inspection, etc.)</i> B2	
Were you inspected by a U.S. Immigration Officer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Nonimmigrant Visa Number 35704649		Consulate where Visa was issued Rio De Janeiro	
Date Visa was issued (month/day/year) 04/07/2000	Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Marital Status <input type="checkbox"/> Married <input checked="" type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
Have you ever before applied for permanent resident status in the U.S.? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If you checked "Yes," give date and place of filing and final disposition.			

B. List your present husband/wife, all of your sons and daughters (if you have none, write "none". If additional space is needed, use separate paper).

Family Name None	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No

C. List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write "none". Include the name(s) of organization(s), location(s), dates of membership from and to, and the nature of the organization(s). If additional space is needed, use a separate piece of paper.

Part 3. Processing Information (Continued)

Please answer the following questions. (If your answer is "Yes" on any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to register for permanent residence or adjust status).

1. Have you ever, in or outside the U.S.:
 - a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested? ☐ Yes ☒ No
 - b. been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? ☐ Yes ☒ No
 - c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? ☐ Yes ☒ No
 - d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the U.S.? ☐ Yes ☒ No
2. Have you received public assistance in the U.S. from any source, including the U.S. government or any state, county, city, or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future? ☐ Yes ☒ No
3. Have you ever:
 - a. within the past 10 years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? ☐ Yes ☒ No
 - b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☒ No
 - c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the U.S. illegally? ☐ Yes ☒ No
 - d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☒ No
4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking, or any other form of terrorist activity? ☐ Yes ☒ No
5. Do you intend to engage in the U.S. in:
 - a. espionage? ☐ Yes ☒ No
 - b. any activity a purpose of which is opposition to, or the control or overthrow of, the Government of the United States, by force, violence or other unlawful means? ☐ Yes ☒ No
 - c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? ☐ Yes ☒ No
6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? ☐ Yes ☒ No
7. Did you, during the period March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? ☐ Yes ☒ No
8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin, or political opinion? ☐ Yes ☒ No
9. Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings? ☐ Yes ☒ No
10. Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit? ☐ Yes ☒ No
11. Have you ever left the U.S. to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
12. Have you ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and not yet complied with that requirement or obtained a waiver? ☐ Yes ☒ No
13. Are you now withholding custody of a U.S. Citizen child outside the U.S. from a person granted custody of the child? ☐ Yes ☒ No
14. Do you plan to practice polygamy in the U.S.? ☐ Yes ☒ No

Part 4. Signature. *(Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)*

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records which the INS needs to determine eligibility for the benefit I am seeking.

Selective Service Registration. The following applies to you if you are a man at least 18 years old, but not yet 26 years old, who is required to register with the Selective Service System: I understand that my filing this adjustment of status application with the Immigration and Naturalization Service authorizes the INS to provide certain registration information to the Selective Service System in accordance with the Military Selective Service Act. Upon INS acceptance of my application, I authorize INS to transmit to the Selective Service System my name, current address, Social Security number, date of birth and the date I filed the application for the purpose of recording my Selective Service registration as of the filing date. If, however, the INS does not accept my application, I further understand that, if so required, I am responsible for registering with the Selective Service by other means, provided I have not yet reached age 26.

<i>Signature</i>	<i>Print Your Name</i>	<i>Date</i>	<i>Daytime Phone Number</i>
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	Luciano De Souza		
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Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

Part 5. Signature of person preparing form if other than above. *(Sign Below)*

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

<i>Signature</i>	<i>Print Your Name</i>	<i>Date</i>	<i>Daytime Phone Number</i>
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*Firm Name
and Address*

U.S. Department of Justice
Immigration and Naturalization Service

OMB #1115-0053

Supplement A to Form I-485

START HERE - Please Type or Print

Part 1. Information about applicant

Family Name De Souza	First Name Luciano	Middle Name Arcanjo
Address - C/O		
Street Number and Name 6 Greenview Street # 5		Apt. Suite 5
City Framingham	State or Province MA	
Country USA	ZIP/Postal Code 01701	
INS A # n/a	Date of Birth (month/day/year) 09/24/1980	Country of Birth Brazil

Part 2. Basis for Eligibility (check one)

1. On Form I-485, Part 2, I checked application type (check one):

- | | |
|--|-----------------------------------|
| a. <input checked="" type="checkbox"/> An immigrant petition. | Go to #2. |
| b. <input type="checkbox"/> My spouse or parent applied. | Go to #2. |
| c. <input type="checkbox"/> I entered as a K-1 fiancé. | Stop Here. Do Not File This Form. |
| d. <input type="checkbox"/> I was granted asylum. | Stop Here. Do Not File This Form. |
| e. <input type="checkbox"/> I am a native or citizen of Cuba. | Go to #3. |
| f. <input type="checkbox"/> I am the husband, wife or child of a Cuban. | Go to #3. |
| g. <input type="checkbox"/> I have continuously resided in the U.S. | Stop Here. Do Not File This Form. |
| h. <input type="checkbox"/> Other. | Go to #2 |
| i. <input type="checkbox"/> I am already a permanent resident. | Stop Here. Do Not File This Form. |
| j. <input type="checkbox"/> I am already a permanent resident and am the husband, wife or unmarried child of a Cuban | Stop Here. Do Not File This Form. |

2. I have filed Form I-360 and I am applying for adjustment of status as a special immigrant juvenile court dependent or a special immigrant who has served in the United States Armed Forces (check one).

☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #3.

3. On Form I-485, Part 2, I checked block (e) or (f) and I last entered the United States legally after having been inspected and admitted or paroled. ☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #11.

4. I last entered the United States (check one):

- | | | | |
|--|------------|---|-----------|
| <input type="checkbox"/> As a stowaway. | Go to #11. | <input type="checkbox"/> Legally without a visa as a visitor for tourism or business. | Go to #5. |
| <input type="checkbox"/> Legally as a crewman (D-1/D-2 visa). | Go to #11. | <input type="checkbox"/> Legally as a parolee. | Go to #5. |
| <input type="checkbox"/> Without inspection. | Go to #11. | <input checked="" type="checkbox"/> Legally with another type of visa (show type B2). | Go to #5. |
| <input type="checkbox"/> Legally in transit without visa status. | Go to #11. | | |

5. I last entered the United States legally without a visa as a visitor for tourism or business, and I am applying for adjustment of status as the spouse, unmarried child (under 21 years of age), parent, widow or widower of a United States citizen (check one).

☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #6.

6. I last entered the United States legally as a parolee, or with a visa (except as a crewman), or as a Canadian citizen without a visa, and I am applying for adjustment of status (check one).

- ☐ As the spouse, unmarried child less than 21 years old, parent, widow or widower of a United States citizen. Stop Here. Do Not File This Form.
- ☐ As a special immigrant retired international organization employee or family member of an international organization employee or as a special immigrant physician; and I have filed Form I-360. Stop Here. Do Not File This Form.
- ☒ Under some other category. Go to #7.

FOR INS USE ONLY

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
Interviewed	
File Reviewed	Class of Adjustment Code:

To Be Completed by Attorney or Representative, if any

☐ Check if G-28 is attached showing you represent the petitioner

VOLAG#

ATTY State License #

Part 2. Continue.

7. I am a national of the (former) Soviet Union, Vietnam, Laos or Cambodia who last entered the United States legally as a public interest parolee after having been denied refugee status, and I am applying for adjustment of status under Public Law 101-167 (check one).
☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #8.
8. I have been employed in the United States after January 1, 1977 without INS authorization (check one).
☒ Yes Go to #9. ☐ No Go to #10.
9. I am applying for adjustment of status under the Immigration Nursing Relief Act (INRA); I was employed without INS authorization only on or before November 29, 1990, and I have always maintained a lawful immigration status while in the United States after November 5, 1986 (check one):
☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #10.
10. I am now in lawful immigration status; and I have always maintained a lawful immigration status while in the United States after November 5, 1986 (check one).
☐ Yes Stop Here. Do Not File This Form.
☐ No, but I believe the INS will determine that my failure to be in or maintain a lawful immigration status was through no fault of my own or for technical reasons. Stop Here. Do Not File This Form, Attach an explanation regarding this question to your Form I-485 application.
 No Go to #11.
11. I am unmarried and less than 17 years old (check one).
☐ Yes Stop Here. File This Form and Form I-485. Pay only the fee required with Form I-485.
☒ No Go to #12.
12. I am the unmarried child of a legalized alien and am less than 21 years old, or I am the spouse of a legalized alien; and I have attached a copy of my receipt or approval notice showing that I have properly filed Form I-817, Application for Voluntary Departure under the Family Unity Program (check one).
☐ Yes Stop Here. File This Form and Form I-485. Pay only the fee required with Form I-485.
☒ No Go to #13.
13. File The Form and Form I-485. You must pay the additional sum:
 \$ 220.00 - Fee required with Form I-485 * and
 \$1,000.00 - Additional sum under section 245(i) of the Act

 \$1,220.00 - Total amount you must pay.

*If you filed Form I-485 separately, attach a copy of your filing receipt and pay only the additional sum of \$1000.00. In #11 and / or #12, show the answer you would have given on the date you filed Form I-485.

Part 3. Signature. Read the information on penalties in the instruction before completing this section. If someone helped you prepare the petition he or she must complete Part 4.

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature <i>Luciano De Souza</i>	Print Your Name Luciano De Souza	Date	Daytime Telephone No.
--------------------------------------	-------------------------------------	------	-----------------------

Please Note: If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

Part 4. Signature of person preparing form if other than above. (Sign Below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature	Print Your Name	Date	Daytime Telephone No.
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Firm Name
and Address

U.S. Department of Justice
Immigration and Naturalization Service

BIOGRAPHIC INFORMATION

OMB No. 1115-0066
Approval expires 4-30-85

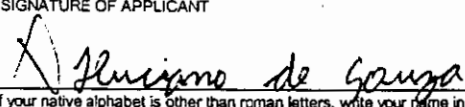
(Family name) De Souza		(First name) Luciano	(Middle name) Arcanjo	<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	BIRTHDATE (Mo.-Day-Yr.) 09/24/1980	NATIONALITY Brazilian	FILE NUMBER A- n/a
ALL OTHER NAMES USED (Including names by previous marriages) n/a				CITY AND COUNTRY OF BIRTH Tarumirim Brazil		SOCIAL SECURITY NO. (If any) none	
FATHER De Souza		FIRST NAME Miguel	DATE, CITY AND COUNTRY OF BIRTH (If known) 09/29 Tarumirim, Brazil	CITY AND COUNTRY OF RESIDENCE Tarumirim Brazil			
MOTHER (Maiden name) De Jesus		FIRST NAME Margarida	DATE, CITY AND COUNTRY OF BIRTH (If known) 12/24 Alto Rio Doce, Brazil	CITY AND COUNTRY OF RESIDENCE Tarumirim Brazil			
HUSBAND (If none, so state) OR WIFE none	FAMILY NAME (For wife, give maiden name)	FIRST NAME	BIRTHDATE	CITY & COUNTRY OF BIRTH	DATE OF MARRIAGE	PLACE OF MARRIAGE	
FORMER HUSBANDS OR WIVES (if none, so state)							
FAMILY NAME (For wife, give maiden name)	FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE		DATE AND PLACE OF TERMINATION OF MARRIAGE		
none							

APPLICANT'S RESIDENCE LAST FIVE YEARS, LIST PRESENT ADDRESS FIRST				FROM		TO	
STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	MONTH	YEAR	MONTH	YEAR
6 Greenview Street # 5	Framingham	MA	USA	05	2001	PRESENT TIME	
154 Salem Street	Framingham	MA	USA	04	2000	05	2001

APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR				FROM		TO	
STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	MONTH	YEAR	MONTH	YEAR

APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE.) LIST PRESENT EMPLOYMENT FIRST				FROM		TO	
FULL NAME AND ADDRESS OF EMPLOYER			OCCUPATION (SPECIFY)	MONTH	YEAR	MONTH	YEAR
Papa Razzi 16 Washington Street, Wellesley			Cook	09	2000	PRESENT TIME	

Show below last occupation abroad if not shown above. (Include all information requested above.)

THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR:				SIGNATURE OF APPLICANT				DATE	
<input type="checkbox"/> NATURALIZATION <input type="checkbox"/> OTHER (SPECIFY): <input checked="" type="checkbox"/> STATUS AS PERMANENT RESIDENT									
Are all copies legible? <input checked="" type="checkbox"/> Yes				If your native alphabet is other than roman letters, write your name in your native alphabet here:					

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT:

BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETE THIS BOX (Family Name)	(Given name)	(Middle name)	(Alien registration number)
De Souza	Luciano	Arcanjo	n/a

PAPA • RAZZI
TRATTORIA • BAR

11/05/01

To whom it may concern:

This letter is to verify that Mr. Luciano Desouza works for our company on a full time basis as a cook. His earnings are approximately \$440.00 per week. Mr. Luciano Desouza is an excellent employee and we hope that he will stay in our employ for a vey long time.

Should you require anything further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason M. Garriepy", followed by a horizontal line.

Jason M. Garriepy

Executive chef, PapaRazzi Restaurant

[Handwritten signature]
 CARTÓRIO DE PAZ
 ESTADO DE MINAS GERAIS
 TARUMIRIM



CARTÓRIO DE PAZ
 ESTADO DE MINAS GERAIS

COMARCA. MUNICÍPIO E DISTRITO DE TARUMIRIM
 Cartório Ed. do Fórum "JOÃO DE ANDRADE" Av. Cunha 40 - Fone 208
 Residência: Rua Apolônio Gomes Furtado, 42 - Fone: 238

Pedra Alves Pereira

OFICIAL DO REGISTRO CIVIL DAS PESSOAS NATURAIS

CERTIDÃO DE NASCIMENTO

Certifico que, à fls. 086 - do livro A-06 sob termo nº -03445 --
 está registrado o nascimento de "LUCIANO ARCANJO DE SOUZA" /=/=/=/=/=/

do sexo - masculino - - - nascido(a) aos - 24 - de - setembro - 09 -
 de 15:30 às 02h00 horas, em Hospital São Vicente da Paula, desta Ci-
 dade de Tarumirim, Minas Gerais. x:x:x:x:x:x sendo que é filho(a) de:

PAI	MÃE
Nome Miguel Arcanjo de Souza.	Nome Margarida Maria de Jesus.:
natural de TARUMIRIM(MG)	natural de ALTO RIO DOCE(MG) =

e casados em TARUMIRIM(MG) =

sendo que são seus

Avós Paternos

Avós Maternos

Nome Sebastião Jotelino de Melo.:

[Vertical stamp: SÃO PAULO]

LUCIANO De SOUZA
PETER SCHLESINGER, M.D.
CIVIL SURGEON

**DO NOT OPEN
I.N.S.
ONLY**

FEDERATIVE REPUBLIC OF BRAZIL
State of Minas Gerais
County, Municipality & District of Tarumirim

BIRTH CERTIFICATE

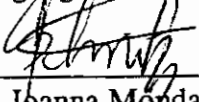
Book #: A-06 Page #: 086 Term #: 03445
Name: LUCIANO ARCANJO DE SOUZA, male.
Date of Birth: September 24, 1980 at 2:00 AM at Sao Vicente Hospital.
Place of Birth: Tarumirim City, Minas Gerais State.
Name of the father: Miguel Arcanjo de Souza, natural of Tarumirim (MG).
Name of the mother: Margarida Maria de Jesus, natural of Alto Rio Doce (MG).
Paternal Grandfather: Floravante Beltrame.
Paternal Grandmother: Luzia Mendes da Paixao.
Maternal Grandfather: Sebastiao Jotelino de Melo.
Maternal Grandmother: Maria Madalena de Jesus.
Declarant: the father.
Witnesses: Ronan Moreira and Heli de Andrade, Brazilians, and resident at this district.
Observations: First copy.

The above is true and to it I give faith.

Tarumirim
October 07, 1980

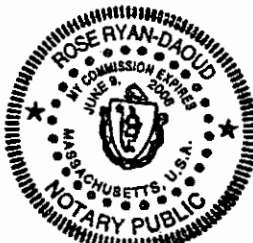
(Signed)
Official of Civil Registry

I certify that I am a competent bilingual translator in the Portuguese and English Languages and that I have translated this document to the best of my ability.

 Date: 12/05/01
Joanna Mondardo Schmitz
Boston, MA

Signed and sworn before me this 5TH day of DECEMBER, 2001.

Rose Ryan-Daoud
Notary Public



Notice of Action



RECEIPT NUMBER EAC-01-263-53957		CASE TYPE I140 IMMIGRANT PETITION FOR ALIEN WORKER
RECEIPT DATE September 6, 2001	PRIORITY DATE March 23, 2001	PETITIONER PAPA RAZZI
NOTICE DATE October 10, 2001	PAGE 1 of 1	BENEFICIARY DE SOUZA, LUCIANO
JOHN K. DVORAK LAW OFFICES OF JOHN K DVORAK 123 N WASHINGTON STREET 3RD FLOOR BOSTON MA 02114		Notice Type: Approval Notice Section: Skilled Worker or Professional, Sec.203(b)(3)(A)(i) or (ii)

The above petition has been approved. The petition indicates that the person for whom you are petitioning in the United States and will apply for adjustment of status. He or she should contact the local INS office to obtain Form I-485, Application for Permanent Residence. A copy of this notice should be submitted with the application.

If the person for whom you are petitioning decides to apply for a visa outside the United States based on this petition, the petitioner should file Form I-824, Application for Action on an Approved Application or Petition, with this office to request that we send the petition to the Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
SAINT ALBANS VT 05479-0001
Customer Service Telephone: (802) 527-4913



LAW OFFICES OF JOHN K. DVORAK, P.C.

ATTORNEY-AT-LAW

PO BOX 8788 • 180 CANAL STREET, 4th FLOOR • BOSTON, MA 02114 • (617) 723-4422 • FAX (617) 723-8305

JOHN K. DVORAK
Christopher W. Drinan

August 26, 2003

EXAMS
Bureau of Citizenship and Immigration Services
JFK Federal Building
Boston, MA 02203

Request to Adjudicate I-485 Application

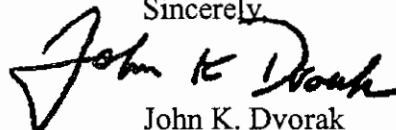
RE: I-485 Application to Adjust Status
Applicant: Luciano A. de Souza
A#: 95-367-226
Interview Date: August 6, 2003

Dear BCIS Officer:

You interviewed the above referenced Applicant on August 6, 2003 regarding his I-485 application to adjust status.

Please issue a decision on this case. Thank you for your attention to this matter.

Sincerely,


John K. Dvorak

JKD:js

LAW OFFICES OF JOHN K. DVORAK, P.C.

ATTORNEY-AT-LAW

PO BOX 8788 • 180 CANAL STREET, 4th FLOOR • BOSTON, MA 02114 • (617) 723-4422 • FAX (617) 723-8305

JOHN K. DVORAK
Christopher W. Drinan

November 21, 2003

EXAMS
Bureau of Citizenship and Immigration Services
JFK Federal Building
Government Center
Boston, MA 02203

Request to Adjudicate I-485 Application

RE: I-485 Application to Adjust Status
Applicant: Luciano A. De Souza
A#: 95-367-226
Interview Date: August 6, 2003

Dear BCIS Officer:

You interviewed the above referenced Applicant on August 06, 2003 regarding his I-485 application to adjust status.

Please issue a decision on this case. Thank you for your attention to this matter.

Sincerely,

John K. Dvorak

JKD:lo